

REMARKS

First, the Applicant asserts that the attached Notice of Abandonment received by the Applicant, is in error. The Examiner obviously did not receive the Applicant's Notice of Appeal, filed on August 28, 2002, and issued this Notice accordingly. In response, the Applicant has attached copies of the documents filed on August 28, 2002, and a copy of the postcard stamped as received by the USPTO on September 11, 2002. Given this proof that the Notice of Appeal was timely filed, the Applicant respectfully requests that the Examiner withdraw the Notice of Abandonment be withdrawn and enter this Amendment.

Regarding the attached amendments, the Applicant proposes to cancel all independent claims except for allowed claim 14 and to make claims 2 – 7 depend from claim 14.

As discussed with the Examiner, allowed claim 14 utilizes the transition phrase "consisting of", which is closed ended. Accordingly, any claim depending from claim 14 could not include additional elements; i.e. further comprising, as such a claim would not fall within the scope of the independent claim.

Notwithstanding the prohibition on the addition of elements, the Applicant believes that dependent claims would be proper if these claims merely narrowed the scope of the elements claimed in the independent claim. As explained below, dependent claims 2 – 7 merely narrow the elements set forth in claim 14 and would otherwise fall within the scope of independent claim 14. Therefore, the Applicant asserts that it would be proper for these claims to depend from claim 14.

In particular, amended claim 14 includes the limitation "said shoulder portion having at least two substantially flat gripping surfaces". Claims 2 – 5 include the limitations that the number of gripping surfaces be 4, 6 and 8 respectively. As claim 14 includes at least two such surfaces, and claims 2 – 5 include specific numbers of surfaces that are each greater than 2, flanges having these claims numbers of surfaces would fall within the scope of claim 14.

Claim 14 includes the limitation of "a base portion having a predetermined shape". Claims 5 and 6 further define this shape as being an elliptical shape and a round shape. Flanges having base portion of either of these shapes, and others disclosed, would fall within the scope of claim 14. Thus, these claims are likewise proper dependent claims.

Finally, claim 7 states that the "pipe flange is manufactured of a material selected from a group consisting of malleable iron, ductile iron, brass and steel". As original claim 14 does not include any limitation on the material, flanges of any material, including those set forth in claim 7, would be covered thereby. Thus, claim 7 merely narrows the scope of the elements already set forth in claim 14 and is likewise a proper dependent claim.

Conclusion

If these proposed amendments are acceptable, the Applicant respectfully requests that its Appeal be withdrawn. If the proposed amendments are unacceptable due to the nonallowability of claims 2 – 7, the Examiner is authorized to cancel claims 2 – 7 via Examiner's amendment. If the Examiner now feels that claim 14 is unallowable for any reason, the Applicant requests that he contact the undersigned so that a suitable Appeal Brief may be prepared and filed.

Respectfully submitted,



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Claims 14 and 2 – 7; with indicia of amendment

- 14. (As amended) A threaded pipe flange consisting of:
- a base portion having a predetermined shape and at least two openings dimensioned to accept at least two mounting bolts;
 - a shoulder portion extending from and integral to said base portion, said shoulder portion having comprising at least two substantially flat gripping surfaces; and
 - a threaded opening extending through said base portion and said shoulder portion, said threaded opening being dimensioned for attachment to a predetermined threaded pipe;
- wherein said pipe flange may be attached to said predetermined threaded pipe by aligning said threaded opening with said predetermined threaded pipe, gripping said gripping surfaces of said shoulder portion, and rotating said pipe flange.
2. The pipe flange as claimed in claim + 14 wherein said shoulder portion comprises has four gripping surfaces.
3. The pipe flange as claimed in claim + 14 wherein said shoulder portion comprises has six gripping surfaces.
4. The pipe flange as claimed in claim + 14 wherein said shoulder portion comprises has eight gripping surfaces.
5. The pipe flange as claimed in claim + 14 wherein said base portion has an elliptical shape.
6. The pipe flange as claimed in claim + 14 wherein said base portion has a round shape.
7. The pipe flange as claimed in claim + 14 wherein said pipe flange is manufactured of a material selected from a group consisting of malleable iron, ductile iron, brass and steel.